

ORDINANCE NUMBER: 2007- 07- 01

AN ORDINANCE RESTRICTING OR PROHIBITING CERTAIN USES OF FIREWORKS IN THE CITY OF LEEDS, ALABAMA, AND ITS POLICE JURISDICTION; TO PROVIDE FURTHER ENFORCEMENT OF THIS ORDINANCE; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

RECITALS

WHEREAS, the Alabama State Forester with the concurrence of the Alabama State Fire Marshall have issued Orders concerning the safety of fireworks; and,

WHEREAS, to protect the public health, safety and welfare of the City of Leeds this ordinance authorizes the Mayor to restrict or prohibit the use of fireworks pursuant to the provisions of this ordinance.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Leeds, Alabama, as follows:

Section 1. Definitions. For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Leeds.
- (2) "Council" is the Council of the City of Leeds.
- (3) "Fireworks" are the items described in Article II of Chapter 10 of the Ordinances of the City of Leeds, entitled, "Fire Protection and Prevention"
- (4) "Mayor" is the Mayor of the City of Leeds.
- (5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Section 2. Application of Ordinance. The provisions of this Ordinance shall apply to all Persons using Fireworks within the police jurisdiction of the City as of its Effective Date.

Section 3. Certain Uses Restricted or Prohibited during Drought Warnings and/or Emergencies.

Until the Drought Emergency Order, issued on June 9, 2007, by the Alabama Forestry Commission is lifted, the use of the following Fireworks by any Person within the police jurisdiction of the City, subsequent to the Effective Date of this Ordinance shall be prohibited:

- (a) Aerial type rockets with sticks;
- (b) Any rockets or missiles with fins or rudders.

Section 4. Enforcement. On and after the Effective Date of this Ordinance:

- (a) Police Officers Enforce. Every police officer of the City shall, in connection with his duties imposed by law, diligently enforce the provisions of this Ordinance.
- (b) Contrary Use. No Person shall knowingly or intentionally use Fireworks or allow the use of Fireworks contrary to the provisions of this Ordinance.
- (c) Violations. Any Person deemed to have used Fireworks in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the Person's property shall constitute a rebuttable presumption that the Person in apparent control of the property committed the violation but any such Person shall

have the right to rebut that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof of a violation, committed by a minor child, occurred on property within the parent's control shall constitute a rebuttable presumption that the parents committed the violation, but any such parent may be excused if he/she provides that he/she has previously directed the minor child not to use Fireworks as it was used in violation of this Ordinance and that the parent could not have reasonably known of the violation.

Section 5. Penalties. Any Person who shall violate or permits the violation of any provision of this Ordinance or shall do any act prohibited hereby shall, upon conviction thereof, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed one hundred eighty (180) days or by both such fine and imprisonment. Each day on which a violation occurs or continues shall be deemed a separate offense.


Section 6. Severability. If any provision of this Ordinance be declared unconstitutional or held invalid by a court of competent jurisdiction, such shall not affect any other provision thereof, but the same shall remain in full force and effect.

Section 7. Effective Date. The provisions of this Ordinance shall become effective immediately upon its passage and approval by the Mayor and Council of the City and upon publication of this ordinance once in a newspaper of general circulation in the City of Leeds.

ADOPTED AND APPROVED on this the 2ND day of July, 2007.



James Whitfield, Mayor

ATTEST:


Kevin Fouts, Acting City Clerk

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned City Clerk of the City of Leeds, do hereby certify that the foregoing Ordinance No.2007-07-01 is a true and correct copy of an ordinance passed by the Council of said City at a regular meeting held on July 2, 2007, a quorum being present.


Kevin Fouts, Acting City Clerk